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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/966,776 | 09/28/2001 | Richard Johnson | 10407/518 | 5084 |

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|-----------------------|--------------|
| EXAMINER | |
| HANSEN, JAMES ORVILLE | |
| ART UNIT | PAPER NUMBER |
| 3637 | |

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/966,776

Applicant(s)
JOHNSON

Examiner
James O. Hansen

Art Unit
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 17, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) 4, 12, 20, 25, 26, 28-32, and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-19, 21-24, 27, 33, and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-6, 9-11, 13-14, 27 & 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Koope [U.S. Patent No. 5,690,402]. Koope (figures 1-4) teaches of a box (2) comprising: a substantially non-rectangular “gaming machine top box housing” having a substantially hollow interior [top box housing in as much as no structural aspects of a gaming machine are positively being claimed in combination with the box]; a door (45) having a display panel (47); and a hinge (46) operatively attaching the door to the housing. The door further comprising a lip (see extended lip on the door surface as depicted in fig. 4) at least partially circumscribing the door.

3. Claims 9-11, 13-19, 21-24 & 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Nunn [U.S. Patent No. 5,048,900]. Nunn (figures 1-4) teaches of a box (10) comprising: a “gaming machine top box housing” having a substantially hollow interior [top box housing in as much as no structural aspects of a gaming machine are positively being claimed in combination with the box]; a door (16) having a display panel (28); and a hinge (15) operatively attaching the door to a side portion of the housing. The door further comprising a lip (see extended lip on the

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door surface as depicted in fig. 1) at least partially circumscribing the door, and a lock (17) for securing the box.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppe in view of Nunn. Koope teaches applicant's inventive claimed concept as disclosed above, but does not show the box as having a lock. However, Nunn teaches of a box having a lock in an analogous art as disclosed above. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the box of Koppe so as to incorporate a lock as taught by Nunn because a lock would allow the door of Koppe's box to be securely held in a closed position in relation to the housing.

Response to Arguments

6. Applicant's arguments filed March 17, 2003 have been fully considered but they are not persuasive. In response to applicant's argument that the prior art does not disclose a "gaming machine top box", a recitation of the intended use of the claimed invention must result in a

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structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the claims state “A top box for a gaming machine”. The examiner notes that the invention is directed solely to the “box” as positively defined in the claims and depicted in the drawings [“box” shown in solid while a “gaming machine” is shown in phantom]. As such, it is viewed that the above cited prior art adequately teaches of a “box” **as structurally defined in the claims**, and is capable of being placed on top of a cabinet or “gaming machine” or similar structure having a flat horizontal top.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

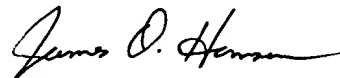
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers** for Official Papers are as follows:

Before Final (703) 872-9326 & After Final (703) 872-9327.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
March 26, 2003